

March 10, 2010

**REMARKS**

In the Office Action, the Examiner indicated that claims 1, 4, 7-11, and 14 are pending in the application and the Examiner rejected all claims.

**Rejections under 35 U.S.C. §§102 and 103**

On page 3 of the Office Action, the Office rejected claims 1, 4, and 11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0076842 to Johansson et al.

On page 6 of the Office Action, the Office rejected claims 7 and 14 under 35 U.S.C. §103(a) as being unpatentable over Johansson and further in view of U.S. Patent No. 6,856,804 to Ciotta. On page 7 of the Office Action, the Office rejected claims 8-10 under 35 U.S.C. §103(a) as being unpatentable over Johansson and further in view of U.S. Patent Application Publication No. 2002/0025823 to Hara.

**The §102 Rejection**

Claims 1, 4, and 11 were rejected under 35 U.S.C. 102(e) as being anticipated by Johansson et al. (US 2003/0076842). Applicant traverses this rejection.

Johansson et al. does not disclose that the communication controller includes the determination unit and stops outputting a signal when the determination unit determines that the portable device is in the disablement mode based on the recognition information provided from the recognition information providing device, as recited in amended claim 1. Rather, Johansson

discloses that a master always polls a slave regardless of the mode of the slave and the slave answers a poll from the master (see paragraph [0052]). However, the master does not stop polling (outputting a signal) when the master determines that the slave is in the disablement mode based on a signal transmitted from the slave. Accordingly, applicant submits that the invention of claims 1, 4, and 11 distinguishes over Johansson. Applicant respectfully requests the Office to reconsider and withdraw the rejection of claims 1, 4, and 11 under 35 U.S.C. §102.

#### **The §103 Rejections**

Claims 7 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson as applied to claims 1 and 11 above, and further in view of Ciotta (US 6,856,804). Applicant traverses this rejection.

Since Ciotta also does not disclose the above feature of the present invention of claims 1 and 11, and claims 7 and 14 depend from claims 1 and 11, respectively, applicant submits that those claims are patentable for at least the same reasons that claims 1 and 11 are patentable.

Claims 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson as applied to claim 1 above, and further in view of Hara (US 2002/0025823). Applicant traverses this rejection.

Since Hara also does not disclose the above feature of the present invention of claim 1, and claims 8-10 directly or indirectly depend from claim 1, applicant submits that those claims are patentable for at least the same reasons that claim 1 is patentable.

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**Conclusion**

The present invention is not taught or suggested by the prior art. Accordingly, the Office is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge the RCE filing fee, and any additional fees associated with this communication to Deposit Account No. 50-4364.

Respectfully submitted

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